IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36791 of 2008
SURESH PRASAD SINGH
S/O-Late Siyawar Singh, R/O-Village & P.O.-Yasoda Math, P.S.-Kanti, Distt.-Muzaffarpur, presently posted at Central Excise Division Laheriasarai as Superintendent of Central Excise…….Petitioner.
Versus
STATE OF BIHAR(THRU.CBI)

2/ 24.10.2008 Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of C.B.I.

Allegation is that the petitioner entered into the criminal conspiracy during the year 2003 and allowed some passengers to leave the Airport without realizing the customs duty which caused a wrongful loss to the Government to the extent of Rs. 1.25 lacs and corresponding wrongful gain to the petitioner and others including S.S. Sahay the then Superintendent of Custom.

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Submission is that the main accused S.S. Sahay has been granted bail by this Court vide Cr. Misc. No. 54358 of 2007 on 11.01.2008. Prayer for bail of the petitioner has been refused by the Court below only considering the fact that he has remanded in custody lesser than the period about S.S. Sahay. The petitioner still is in service. The case at best may be of departmental enquiry it cannot be of offence of criminal.

Prayer for bail has been opposed by learned Counsel appearing on behalf of C.B.I.

Considering the facts and circumstances of the case, the petitioner Suresh Prasad Singh is ordered to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties

of the like amount each to the satisfaction of the Special Judge, C.B.I., South Bihar, Patna in connection with Special Case No. 31/2004 arising out of SPE/Patna, RC No. 28(A)/2004.

kksinha/ **(Shyam Kishore Sharma, J.)**

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